

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(1) CRM-M-40852 of 2013 (O&M)
Decided on:- November 20, 2018.

Raghuvinder Singh alias Gurdeep and anotherPetitioners.

Versus

State of Haryana.Respondent.

(2) CRM-M-17864 of 2017.

Surjeet Singh.Petitioner.

Versus

State of Haryana.Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. P.K. Chugh, Advocate
for the petitioners in CRM-M-40852 of 2013.

Mr. Deepkaran Dalal, Advocate
for the petitioner in CRM-M-17864 of 2017.

Mr. Manish Bansal, Deputy Advocate General, Haryana.

Mr. Ashit Malik, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

This order shall dispose of the aforementioned two petitions filed
by the petitioners under Section 482 Cr.P.C. i.e. ***CRM-M-40852 of 2013*** titled
as ***Raguvinder Singh alias Gurdeep and another Versus State of Haryana***
and ***CRM-M-17864 of 2017*** titled as ***Surjeet Singh Versus State of Haryana.***

However, for convenience and clarity, detailed order is being passed in *CRM-M-40852 of 2013*.

Challenge in both the petitions is to the order dated 06.05.2011 (Annexure P-1) passed by learned Judicial Magistrate 1st Class, Faridabad, whereby charge under Sections 419, 467 and 471 read with Section 120-B IPC has been ordered to be framed against the petitioners along with other co-accused and accordingly charge (Annexure P-2) was framed.

The aforesaid order dated 06.05.2011 passed by learned Magistrate was challenged by the petitioner by way of a revision petition before the Court of Session. However, vide impugned order dated 08.08.2013 (Annexure P-3) passed by learned Additional Sessions Judge, Faridabad, the said revision petition was dismissed.

It is in these circumstances, the petitioners have approached this Court challenging the aforesaid orders.

Learned counsel for the petitioners in *CRM-M-40852 of 2013* has argued that the allegation in the case is that the sale deed dated 15.06.1973 was forged by the petitioners. However, on the relevant date, when the alleged sale deed was executed by the petitioners, petitioner Subhash Singh was less than 16 years of age, whereas petitioner Raghuvinder Singh alias Gurdeep had not even taken birth as he was born on 07.08.1975 i.e. much after execution of the alleged sale deed dated 15.06.1973. Thus, the charge sheet against the petitioners is not warranted and the impugned orders dated 06.05.2011 and 08.08.2013 passed by the Courts below are liable to be set aside and the petitioners are required to be discharged.

On the other hand, learned State counsel and learned counsel for the complainant have been fair enough in conceding the fact that on the date of execution of alleged sale deed dated 15.06.1973, petitioner Subhash Singh was less than 16 years of age, whereas petitioner Raghuvinder Singh alias Gurdeep was not even born, as he was born in the year 1975.

In view of the conceded position, *CRM-M-40852 of 2013* is allowed and the impugned orders dated 06.05.2011 passed by learned Judicial Magistrate 1st Class, Faridabad (Annexures P-1 and P-2) and the judgment dated 08.08.2013 passed by the Courts below are set aside qua petitioners Raghuvinder Singh alias Gurdeep and Subhash Singh. Accordingly, both these petitioners are discharged in the case.

As regards the petition filed by petitioner Surjeet Singh i.e. *CRM-M-17864 of 2017*, learned counsel for the petitioner has argued that the allegation against the petitioner is that he had forged the signatures of Triloki Nath Gupta, but in the FSL report, there is no definite opinion which may establish that it was petitioner Surjeet Singh, who had forged the signatures of Triloki Nath Gupta and, therefore, the impugned orders dated 06.05.2011 and 08.08.2013 passed by the Courts below are liable to be set aside qua petitioner Surjeet Singh as well.

On the other hand, learned State counsel and learned counsel for the complainant have argued that the FSL report nowhere suggests that petitioner Surjeet Singh has not forged the signatures of Triloki Nath Gupta. The FSL report is not the conclusive evidence and it is during the course of trial, the trial Court will formulate an opinion as to whether it was petitioner

Surjeet Singh, who forged the signatures of Triloki Nath Gupta or some other accused has committed this crime. At this stage, only prima facie evidence is to be seen.

Having heard learned counsel for the parties, this Court finds that the allegation against petitioner Surjeet Singh is that he had forged the signatures of Triloki Nath Gupta in the sale deed dated 15.06.1973. Merely because the FSL report has given an indefinite opinion about the signatures forged by petitioner Surjeet Singh, is no ground to discharge him in the case at this stage as this fact can only be decided by the trial Court after perusing the evidence produced on record by both the parties.

Accordingly, the petition filed by petitioner Surjeet Singh i.e. **CRM-M-17864 of 2017** is dismissed.

It is made clear that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations.

Photocopy of this order be placed on the file of other connected case.

November 20, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No